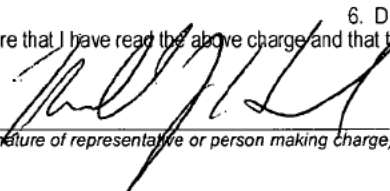


INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**Case
06-CA-182071Date Filed
8-12-16**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Rice Enterprises, LLC, A McDonald's Franchisee, and McDonald's USA LLC, Joint Employers	b. Tel. No. 412-831-3784
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 1. 4931 Library Road, Bethel Park, PA. 15102 2. One McDonald's Plaza Oak Brook, Illinois 60523	e. Employer Representative 1. (b) (6), (b) (7)(C) 2. Gloria Santana
	g. e-Mail
	h. Number of workers employed Specific Store: Approx 40
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant	j. Identify principal product or service Fast Food
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)	
Since on or about (b) (6), (b) (7)(C) 2016, respondent retaliated against employee (b) (6), (b) (7)(C) by terminating (b) (6), (b) (7)(C) employment at its Homestead location. Respondent engaged in the conduct described above because the named employee joined, assisted, and supported the union, and engaged in concerted activities for the purpose of mutual aid and protection, and respondent did so in order to discourage employees from engaging in such activities for the purpose of collective bargaining or other mutual aid and protection.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Pennsylvania Workers Organizing Committee (A Project of the Fast Food Workers Committee)	
4a. Address (Street and number, city, state, and ZIP code) c/o Healey and Hornack 247 Fort Pitt Blvd., Fourth Floor Pittsburgh, PA. 15222	4b. Tel. No. 412-391-1428
	4c. Cell No.
	4d. Fax No. 412-281-9509
	4e. e-Mail mike@unionlawyers.net
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) See Number 3.	
6. DECLARATION	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By  (signature of representative or person making charge)	Tel. No. 412-391-1428
Michael J. Healey (Print/type name and title or office, if any)	Office, if any, Cell No. 412-760-0342
	Fax No. 412-281-9509
247 Fort Pitt Blvd., 4th Floor, PGH. PA. 15222 Address	e-Mail mike@unionlawyers.net
	8/10/16 (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 6
1000 Liberty Ave Rm 904
Pittsburgh, PA 15222-4111

Agency Website: www.nlrb.gov
Telephone: (412)395-4400
Fax: (412)395-5986



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August 15, 2016

Rice Enterprises, LLC, a McDonald's
Franchisee, and McDonald's USA LLC
Joint Employers
(b) (6), (b) (7)(C)
4931 Library Rd
Bethel Park, PA 15102-2837

Re: Rice Enterprises, LLC, A McDonald's
Franchisee, and McDonald's USA LLC, Joint
Employers
Case 06-CA-182071

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Janet L. Schaeffer whose telephone number is (412)690-7116. If this Board agent is not available, you may contact Supervisory LMR Examiner Janet L. Schaefer whose telephone number is (412)690-7114.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and

complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ Suzanne C. Bernett
Suzanne C. Bernett
Acting Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: Rice Enterprises, LLC, A McDonald's
Franchisee, and McDonald's USA LLC, Joint
Employers
Gloria Santona
One McDonald Plaza
2111 McDonalds Dr
Oak Brook, IL 60523-2199

Revised 3/21/2011

NATIONAL LABOR RELATIONS BOARD

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

06-CA-182071

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**RICE ENTERPRISES, LLC, A MCDONALD'S
FRANCHISEE, AND MCDONALD'S USA LLC,
JOINT EMPLOYERS**

Charged Party

and

**PENNSYLVANIA WORKERS ORGANIZING
COMMITTEE, A PROJECT OF THE FAST
FOOD WORKERS COMMITTEE**

Charging Party

Case 06-CA-182071

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on August 15, 2016, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Rice Enterprises, LLC, a McDonald's
Franchisee, and McDonald's USA LLC, Joint
Employers

(b) (6), (b) (7)(C)

4931 Library Rd
Bethel Park, PA 15102-2837

Rice Enterprises, LLC, A McDonald's
Franchisee, and McDonald's USA LLC, Joint
Employers

Gloria Santona
One McDonald Plaza
2111 McDonalds Dr
Oak Brook, IL 60523-2199

August 15, 2016

Date

Charlene M. Prosser Designated Agent of
NLRB

Name

/s/ Charlene M. Prosser

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 6
1000 Liberty Ave Rm 904
Pittsburgh, PA 15222-4111

Agency Website: www.nlrb.gov
Telephone: (412)395-4400
Fax: (412)395-5986



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August 15, 2016

Pennsylvania Workers Organizing Committee
A Project of the Fast Food Workers Committee
c/o Healey and Hornack
247 Fort Pitt Blvd, Fourth Floor
Pittsburgh, PA 15222

Re: Rice Enterprises, LLC, A McDonald's
Franchisee, and McDonald's USA LLC,
Joint Employers
Case 06-CA-182071

Dear Sir or Madam:

The charge that you filed in this case on August 12, 2016 has been docketed as case number 06-CA-182071. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Janet L. Schaeffer whose telephone number is (412)690-7116. If this Board agent is not available, you may contact Supervisory LMR Examiner Janet L. Schaefer whose telephone number is (412)690-7114.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board

agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ Suzanne C. Bernett

Suzanne C. Bernett
Acting Regional Director

cc: Michael J. Healey, Esq.
Healey & Hornack, P.C.
247 Fort Pitt Boulevard, 4th Floor
Pittsburgh, PA 15222

nm

From: [Schaeffer, Janet L. \(Pittsburgh\)](#)
To: mctiernan@tuckerlaw.com
Subject: NLRB Case 06-CA-182071
Date: Wednesday, August 31, 2016 3:19:31 PM

Mr. McTiernan,

The Region has received your Notice of Appearance with regard to Case 06-CA-182071 filed against Rice Enterprises, LLC, A McDonald's Franchise, and McDonald's USA LLC, Joint Employer's. Please be advised, according to our records, the Employer had been represented by another firm with regard to this case. Moreover, at this time, the case has been withdrawn and is closed.

Janet L. Schaeffer
Field Examiner
National Labor Relations Board, Region 6
Wm. S. Moorhead Federal Building, Room 904
1000 Liberty Avenue
Pittsburgh, PA 15222
Phone: (412)690-7116
Fax: (412)395-5986
E-File <https://apps.nlr.gov/eservice/efileterm.aspx>
E-File new Charge/Petition <https://apps.nlr.gov/eservice/efileterm.aspx?app=chargeandpetition>

From: [Keeton, Jacquetta](#)
To: [Schaeffer, Janet L. \(Pittsburgh\)](#); [Moratis, Nancy A.](#)
Subject: case closed Rice Enterprises, LLC, and McDonalds *182071 Oral WD
Date: Wednesday, August 31, 2016 3:06:00 PM

"FF" this case is closed effective 08/31/16. Please mark your folder "closed" with the date and as usual please ensure all documents have been uploaded into NxGen

Moratis please prepare w/d letters, adjusted.

Thx

From: Bernett, Suzanne C.
Sent: Wednesday, August 31, 2016 2:16 PM
To: Keeton, Jacquetta <Jacquetta.Keeton@nlrb.gov>
Cc: Schaeffer, Janet L. (Pittsburgh) <Janet.Schaeffer@nlrb.gov>
Subject: Rice Enterprises, LLC, and McDonalds *182071 Oral WD

The WD-adjusted-has been approved. Please process.

From: Schaeffer, Janet L. (Pittsburgh)
Sent: Wednesday, August 31, 2016 2:09 PM
To: Schaeffer, Janet L. (Supervisory FX, Pittsburgh) <Janet.Schaeffer@nlrb.gov>
Cc: Bernett, Suzanne C. <Suzanne.Bernett@nlrb.gov>
Subject: FIR *182071 Oral WD

This is NOT an eom case. (b) (5)
requested to WD the charge. The WDR detailing my conversation with Counsel Mike Healey is located in the WD action. The FIR recommending the approval of the Oral WD, as adjusted, is in the INV action. The remedies have been completed (no back pay; just reinstatement). The service sheet is accurate as of today's date.

Janet L. Schaeffer
Field Examiner
National Labor Relations Board, Region 6
Wm. S. Moorhead Federal Building, Room 904
1000 Liberty Avenue
Pittsburgh, PA 15222
Phone: (412)690-7116
Fax: (412)395-5986
E-File <https://apps.nlrb.gov/eservice/efileterm.aspx>
E-File new Charge/Petition <https://apps.nlrb.gov/eservice/efileterm.aspx?app=chargeandpetition>

MEMORANDUM

Rice Enterprises LLC, A McDonald's Franchise and
McDonald's USA LLC, joint employers
Case 6-CA-182071

August 31, 2016

On the above date, I spoke with Charging Party Counsel Mike Healey who orally requested to withdraw the charge [REDACTED] (b) (5)

[REDACTED] No back pay was involved.

Janet L. Schaeffer
Field Examiner

jls



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 06
1000 Liberty Ave Rm 904
Pittsburgh, PA 15222-4111

Agency Website: www.nlrb.gov
Telephone: (412)395-4400
Fax: (412)395-5986

August 31, 2016

Doreen S. Davis, Esq.
Jones Day
250 Vesey Street
New York, NY 10281-1023

Michael Ferrell, Esq.
Jones Day
77 West Wacker Drive
Suite 3500
Chicago, IL 60601

Elizabeth Winiarski, Esq.
Jones Day
77 West Wacker Drive
Suite 3500
Chicago, IL 60601

Re: Rice Enterprises, LLC, A McDonald's
Franchisee, and McDonald's USA LLC, Joint
Employers
Case 06-CA-182071

Dear Ms. Davis, Mr. Ferrell & Ms. Winiarski:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Nancy Wilson
Nancy Wilson
Regional Director

cc: Rice Enterprises, LLC, a McDonald's
Franchisee, and McDonald's USA LLC, Joint
Employers
(b) (6), (b) (7)(C)
4931 Library Rd
Bethel Park, PA 15102-2837

Rice Enterprises, LLC, A McDonald's
Franchisee, and McDonald's USA LLC, Joint
Employers
Gloria Santona
One McDonald Plaza
2111 McDonalds Dr
Oak Brook, IL 60523-2199

Michael J. Healey, Esquire
Healey & Hornack, P.C.
247 Fort Pitt Boulevard, 4th Floor
Pittsburgh, PA 15222

nm

Rice Enterprises, LLC, A McDonald's
Franchisee, and McDonald's USA LLC,
Joint Employers
Case 06-CA-182071

- 2 -

August 31, 2016